

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-31 remain pending in the case. Claims 1-31 are rejected. Claims 1, 4, 5, 7-14, 16-23 and 29-31 are amended herein. New Claims 32 and 33 have been added. No new matter has been added.

35 U.S.C. §102(e)

Claims 1, 3-10, 13, 14, 16-20, 23 and 27-31 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent 6,529,742 by Yang, hereinafter referred to as the "Yang" reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1, 3-10, 13, 14, 16-20, 23 and 27-31 are not anticipated by Yang in view of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

In a portable electronic device, a method for automatically delivering a phone call, said method comprising:
monitoring for incoming phone calls by a background task of said operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system including at least one application;

detecting said incoming phone call by said background task;
notifying said operating system of said incoming phone call by said background task; and
notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application.

Independent Claims 14 and 23 recite a similar limitations. Claims 3-10 and 13 that depend from independent Claim 1, Claims 16-20 that depend from independent Claim 14, and Claims 27-31 that depend from independent Claim 23 provide further recitations of features of the present invention.

Yang and the embodiments of the present invention as claimed invention are very different. Applicants understand Yang to teach a method and system for controlling an operation mode of a TV phone. Specifically, Yang teaches deactivating TV circuitry in response to a received phone call. In general, Applicants understand Yang to teach a method and system for controlling power to TV circuitry in response to a received phone call.

Yang does not anticipate the claimed embodiments of the invention because Yang teaches deactivating a TV application in response to a received phone call. Embodiments of the claimed invention are directed towards a method and system for automatically delivering a phone call to a device including "notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without

terminating said application.” In particular, embodiments of the present invention are directed towards notifying a user without disrupting the application running on the operating system.

As described in the present application, the operating system operates to control a wide variety of applications, including a graphical user interface (GUI) and a telephony task (page 15, lines 8-10). The telephony task can operate simultaneously to other applications, such as the GUI. In particular, upon receiving an incoming call, the telephony task notifies the operating system. The operating system then attempts to notify the user. If other applications that block the phone call are in use, the telephony task does not terminate the application. In particular, if the GUI is busy and is blocking notification of an incoming call, the GUI is not affected, and the telephony task is blocked from accessing the GUI.

In contrast, Applicants understand Yang to teach a method for controlling an operation mode of a TV phone. Yang teaches a TV phone having two chipsets for providing two functionalities, a portable phone module (col. 3, lines 18-21) and a TV unit 18 (col. 3, line 26). The TV phone has two modes, a phone mode and a TV mode. When the TV phone is set to TV mode, the TV unit 18 and a TV audio signal processor 38 receive a power control signal PW from a mobile station processor (MSP 30). Specifically, if an incoming phone call is received, “MSP 30 turns off the TV unit 18 and the TV audio signal

processor 38 by deactivating power control signal PW" (Figure 1 and col. 6, lines 23-28). Therefore, the TV mode is terminated upon the receipt of an incoming phone call.

As described in the present application, an incoming phone call may be delivered to a user without terminating other applications running on the operating system. Applicants respectfully submit that Yang does not teach "notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application, as claimed (emphasis added). On the contrary, by teaching a deactivating TV circuitry in response to a received phone call, Yang teaches away from such a configuration.

Applicants respectfully assert that nowhere does Yang teach, disclose or suggest the present invention as recited in independent Claims 1, 14 and 23, and that this claimed subject matter is thus in a condition for allowance. Therefore, Applicants respectfully submit that Yang also does not teach or suggest the additional claimed features of the present invention as recited in Claims 3-10 and 13 that depend from independent Claim 1, Claims 16-20 that depend from independent Claim 14, and Claims 27-31 that depend from independent Claim 23. Therefore, Applicants respectfully submit that Claims 3-10, 13, 16-20 and 27-31 overcome the rejection under 35 U.S.C. § 102(e),

and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a)

Claims 2, 15 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of United States Patent 6,516,202 by Hawkins et al., hereinafter referred to as the "Hawkins" reference. Claim 2 is dependent on allowable base Claim 1, Claim 15 is dependent on allowable base Claim 14, and Claim 24 is dependent on allowable base Claim 23. Hence, Applicants respectfully submit that Claims 2, 15 and 24 are now allowable is depending on allowable claims, and a discussion of the 35 U.S.C. § 103(a) rejection is moot at this time.

Claims 11, 12, 21, 22, 25 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of United States Patent 6,370,401 by Baranowski et al., hereinafter referred to as the "Baranowski" reference. Claims 11 and 12 are dependent on allowable base Claim 1, Claims 21 and 22 are dependent on allowable base Claim 14, and Claims 25 and 26 are dependent on allowable base Claim 23. Hence, Applicants respectfully submit that Claims 11, 12, 21, 22, 25 and 26 are now allowable is depending on allowable claims, and a discussion of the 35 U.S.C. § 103(a) rejection is moot at this time.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-31 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO L.L.P.

Dated: 4 August, 2003



Matthew J. Blecher
Registration No. 46,558

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060